

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 17-03091-01-CR-S-BP
DONALD GREEN,)
)
Defendant.)
)
)

ORDER

After the United States moved for pretrial detention, a hearing was held in this matter pursuant to 18 U.S.C. § 3142(f). The defendant was present personally and with his counsel David Mercer, Assistant Federal Public Defender. The United States was represented by Jim Kelleher, Assistant United States Attorney.

The Grand Jury has found probable cause to believe that the offenses charged were committed by this defendant. Based on the evidence presented at the hearing, there are no conditions that the Court can impose that would reasonably assure the defendant's appearance at all scheduled hearings and the safety of other persons or the community.

The factors to be considered by the Court in determining whether the defendant should be detained pending trial are enumerated in section 3142(g). Regarding the potential for failure to appear, the Court notes the nature of the offense charged and defendant's criminal history which includes, but is not limited to, the following: history of failure to appear; criminal activity while under supervision; pending charges; and

pretrial and probation non-compliance. In addition, the Court notes defendant's lack of familial, residential, property and financial ties and current and historical substance abuse.

Regarding the potential danger to the community, the Court notes the nature of the instant offense and defendant's extensive criminal history including, but not limited to, the following: prior arrests and convictions; pattern of similar criminal activity; violent behavior history; history of weapons use; criminal activity while under supervision; pretrial and probation non-compliance; current order of protection; charge involving a child; and charge involving violence and domestic violence. In addition, the Court notes defendant's substance abuse history.

Based on all the foregoing, the Court finds by a preponderance of the evidence that the defendant is a flight risk, and finds by clear and convincing evidence that the defendant is a danger to the community.

IT IS THEREFORE ORDERED that the defendant be, and is hereby detained without bail.

IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the Government, the person in charge of

the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

DATED: July 28, 2017

/s/ David P. Rush
DAVID P. RUSH
United States Magistrate Judge
